

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7669 of 2019

Arising Out of PS. Case No.-449 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Gautam Kumar Singh, aged about 38 years, Male, S/o Ajit Kumar Singh
village-Mandichak, P.S-Tilkamanjhi, Distt.-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikram Singh

For the Opposite Party/s : Mr.Amarendra Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody since
29.11.2018 in a case registered for the offences punishable
under Sections 380/411 of the Indian Penal Code.

The prosecution case as per the written report of
Praveen Kumar Tiwary submitted to the Station House
Officer of Tilkamanjhi Police Station is to the effect that
from the basement of the informant there was perpetual theft
was being committed and hence, for safety CCTV, was
installed by the informant. It is alleged that on 10.07.2018 at
1.21 P.M., two persons were seen moving in a suspicious
condition, who were identified as Rakesh @ Raka and Mithu
Yadav, they were found committing theft of cylinder from



the basement of the informant. Subsequently, the recovery was made from Praveen Kumar Tiwary. The name of the petitioner sprang up during investigation. It is surprising that the petitioner is not named in the FIR and learned Sessions Judge has not suggested in the impugned order as to how his complicity cropped up during investigation.

It is submitted by learned counsel for the petitioner that neither the petitioner is named in the FIR nor is there any recovery from the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up during investigation.

Considering the period under custody, the impugned order does not suggest any recovery from the petitioner and the petitioner's name sprang up during investigation, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in



connection with Kotwali (Tilkamanjhi) P.S. Case No. 449 of
2018.

(Dinesh Kumar Singh, J)

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